

★ SEP 28 2011 ★

BROOKLYN OFFICE

MEMORANDUM & ORDER

10-CV-4333 (NGG) (ALC)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GREAT NORTHERN INSURANCE
COMPANY, *as subrogee of Carolyn M.*
Knutson,

Plaintiff,

-against-

ELLSWORTH LANK, *individually and*
doing business as ATLANTIC FINE ART
SERVICES; ATLANTIC FINE ART
SERVICES INC.; and ARPIN VAN LINES,
INC.,

Defendants.

-----X
NICHOLAS G. GARAUFIS, United States District Judge.

Plaintiff Great Northern Insurance Company brought this action as subrogee of Carolyn M. Knutson. (Compl. (Docket Entry # 1) Ex. A; Notice of Removal (Docket Entry # 1) ¶ 1.) On July 7, 2011, the court granted Plaintiff's motion for default judgment against Defendants Ellsworth Lank ("Lank") and Atlantic Fine Art Services Inc ("Atlantic").¹ (Docket Entry # 20.)

The court referred the damages calculation in this matter to Magistrate Judge Andrew L. Carter, Jr. for a Report and Recommendation ("R&R") on the appropriate damages, including any awards of interest or costs. (*Id.* at 3-4.) On September 9, 2011, Judge Carter recommended that the court award Plaintiff \$112,710.00 in damages against Lank and Atlantic, jointly and severally. (R&R (Docket Entry # 21) at 4-5.) Judge Carter also recommended that the court award prejudgment interest of \$29,782.92 plus \$29.79 per diem, commencing on September 10, 2011 until the date of judgment, as well as \$110.00 in costs. (*Id.*)

¹ By stipulation, Defendant Arpin Van Lines, Inc. was dismissed from this action on February 8, 2011. (Docket Entry # 14.)

Plaintiff served a copy of the R&R on both Defendants on September 12, 2011. (Docket Entry ## 22, 23.) No party has objected, and the time to do so has now passed. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). Having reviewed Judge Carter's thoroughly reasoned R&R, the court adopts it in its entirety. See Porter v. Potter, 219 F. App'x 112, 113 (2d Cir. 2007). Accordingly, the court awards Plaintiff damages against Defendants Lank and Atlantic, jointly and severally, in the amount of \$112,710.00, plus \$110.00 in costs, and prejudgment interest as described in Judge Carter's R&R.

SO ORDERED.

Dated: Brooklyn, New York
September 27, 2011

s/Nicholas G. Garaufis
NICHOLAS G. GARAUFIS V
United States District Judge